

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Beetham *et al.*

Application No.: 09-685,403

Filed: October 10, 2000

For: NON-TRANSGENIC HERBICIDE
RESISTANT PLANTS

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

Attorney Docket No.: 7991-086



REQUEST FOR REFUND PURSUANT TO 37 C.F.R. § 1.28(a)

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Refund Section, Accounting Division


Sir:

A filing fee in excess of the required fee has been paid in connection with the subject patent application. In particular, a fee of **\$1464.00** has been timely paid from Pennie & Edmonds LLP Deposit Account No. 16-1150, of which **\$732.00** is in excess of the amount required. ValiGen (US), Inc. qualifies as a small entity under 37 C.F.R. §§ 1.27(a)(2) and, therefore, pursuant to 37 C.F.R. § 1.27(b), a fee of only **\$732.00** is required. Also, submitted concurrently herewith, is a Verified Statement Claiming Small Entity Status and a Request to Establish Small Entity Status. Pursuant to 37 C.F.R. § 1.28(a), Applicants hereby request a refund of the excess filing fee within the time period of three months from its payment.

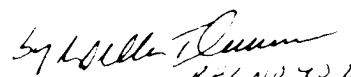
Accordingly, please refund the excess by crediting **\$732.00** to Deposit Account No. 16-1150. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: January 10, 2001


Thomas E. Friebe, Esq.

Thomas E. Friebe, Esq.


REL NO 43, 203
29,258
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures



Express Mail No. EL 501 636 579 US

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Attorney Docket No. 7991-086

**SUBMISSION OF EXECUTED DECLARATION, POWER OF
ATTORNEY, REQUEST TO ESTABLISH SMALL ENTITY STATUS,
AND REQUEST FOR REFUND**

Assistant Commissioner for Patents
Washington, D.C. 20231


Sir:

On October 10, 2000, Attorneys for Applicants filed the subject application with an unexecuted Declaration and Power of Attorney. Attorneys for Applicants submit concurrently herewith (a) a Declaration, which has been executed by the inventors, **Peter R. Beetham, Patricia L. Avissar, Keith A. Walker, and Richard A. Metz**, on December 29, 2000, December 20, 2000, December 29, 2000, and December 20, 2000, respectively; (b) a Power of Attorney, executed on behalf of the Assignee, Valigen (US), Inc.; (c) a Request to Establish Small Entity Status under 37 C.F.R. § 1.27(c); (d) a Request for Refund Pursuant to 37 C.F.R. § 1.28(a); and (e) a Verified Statement Claiming Small Entity Status, executed on behalf of the Assignee, Valigen (US), Inc.

Also submitted herewith, under separate cover, is an Assignment of the inventors' rights in the invention and an Assignment Recordation Cover Sheet.

A fee of \$65.00 (small entity) is believed due. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this Sheet is enclosed for accounting purposes.

Respectively submitted,


Hilary J. Green

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036

U I P E
JAN 10 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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RESISTANT PLANTS

Attorney Docket No.: 7991-086

**REQUEST TO ESTABLISH SMALL ENTITY STATUS
AND TRANSMITTAL OF SMALL ENTITY CLAIM UNDER 37 C.F.R. § 1.27(c)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Attorneys for Applicants request that Small Entity Status be established and submit herewith an original executed Verified Statement Claiming Small Entity Status - Small Business Concern from ValiGen (US), Inc., the assignee of the invention described in the above-identified application. It is requested that the Verified Statement be made of record in the file of the above-identified patent application.

Respectively submitted,

Date: January 10, 2001

by: Helen T. Quinn
Thomas E. Friebe
Thomas E. Friebe, Esq.

REL NO 40,103
29,258
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